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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/174,937 12/28/93 KNOYAMA

0191/1102

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EXAMINER

LENDER, W

ART UNIT PAPER NUMBER

DATE MAILED:

11/02/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 7/13/95 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), - days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/>   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-28 are pending in the application.

Of the above, claims 2-6 and 16 are withdrawn from consideration.

2. ☐ Claims have been cancelled.

3. ☐ Claims are allowed.

4. ☒ Claims 1, 7-15 and 17-28 are rejected.

5. ☐ Claims are objected to.

6. ☐ Claims are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. ; filed on

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

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EXAMINER'S ACTION

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Receipt of applicant's response of July 13, 1995, is acknowledged. Applicant has submitted new claims 18-28. Claims 1-28 are pending. Claims 2-6 and 16 are withdrawn from consideration.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 7-15 and 17-28 are rejected under 35 U.S.C. § 103 as being unpatentable over the admitted prior art in view of Lowenheim for the reasons of record and in view of the following comments.

Applicant's Remarks have been carefully considered but are not deemed to be persuasive. At page 5 of the Remarks, applicant states that Japanese reference 1-212,775 discloses a process which requires two steps. These are etching with an acidic solution followed by etching with an alkaline solution above pH 7. Applicant argues that in contrast to the process of the Japanese reference, the claimed invention does not require a two-step process. This argument is not convincing because applicant's claims are written in open form using the term "comprising". This claim construction is open to the inclusion of steps other than those positively recited and encompasses processes in which there is more than one etching step. Thus, applicant's claims do not distinguish on this basis.

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Applicant contends that there is no suggestion of employing a chelating agent in the etching solution. This argument is not persuasive because Lowenheim teaches that chelating agents are used in etchants for aluminum. See page 76, second full paragraph, last sentence.

Applicant's amendments to claims 7, 9, 11, 13 and 14 to reflect that claims 2-4 have been withdrawn from consideration are noted. It appears that claim 10 should also be dependent on claim 1 rather than on claim 9. Claim 9 recites a particular concentration for the chelating agent while claim 10 recites a range for the concentration. A dependent claim must further limit, not broaden, the claim upon which it depends.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Leader, whose telephone number is (703) 308-2530. The examiner can normally be reached Mondays-Thursdays from 8:00 AM to 5:00 PM eastern time.

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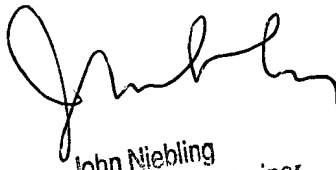
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached at (703) 308-3325. The fax phone numbers for Group 1100 are (703) 305-3599 and (703) 305-3600.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

W.  
W. Leader:rg  
October 17, 1995

  
John Niebling  
Supervisory Patent Examiner  
Patent Examining Group 110